P32

K. S 58
Previous references
Rd 507-06

1907
(Inwards)

File No 442-05
Serial Nos. 1—6

Later references
Sb Rd. 43.
Rd 202-06 (1 & 2)
Rd 46 of 12 — 25 do
Rd 162 of 1906 27

GENERAL AND REVENUE SECRETARIAT.

T

Serial Nos 1—6.

Part B for June 1907.

Subject

Memorial of the residents of Old Ponnacherry, Bangalore city, regarding payment of compensation for their houses, &c., acquired for public purposes

---

1 To The Resident Bangalore City Memo
No. 8775-B/26 2-06
Call for the additional information required in the matter

2 From the Asst. Dy. Commissioner Bangalore
No. 59 B/13-5-06
Submits a petition of the Asst. Commissioner regarding the matter & states that in view to the fact that the

annual charges &c

4 No. 3726 D/8 11-06 to the Dy Commissioner Bangalore dt

Enquires what the cost of Compensation
Complete acquisition of the houses
will be.

5 From the President Municipal Council
Bangalore city No. 287 D/9 5-07
State that the probable extent of
acquiring those lands to be
the vacant lands appear
Comes to about Rs 8000

6 To the President Bangalore city Municipal council Comptroller & Dy
Commissioner Bangalore dt
No. 1198 D/1906-07
Approves of the proposal to acquire all the houses
the E Pinnecherry & accordingly
the Comptroller to place a sum
Rs 8000/- at the disposal of
Executive Engineer for the purpose.

Mil 442-05

Previous reference - Memos Nos.2401 and 1268 dated the 4th April and the 14th December 1905 respectively from the Private Secty to His Highness calling for a report in the matter of the petition of the owners of the unacquired houses in the Old Pioneercherry of the Bangalore City

The facts of the case are briefly these -

In the locality known as the Pioneercherry to the west of the New Tharagupet there were origirally 50 houses. In 1891 steps were taken to acquire them under the Land Acquisition Regulation ~~as they were required~~ in connec-tion with the formation of the western extension (the present Chamarajendrapet) and a declaration was published in the Gazette with Notification No 365/2226 dated the 17th Jan'91

2. Out of the 50 houses, compensation was settled for 36 Payment amounting to Rs 4,107 was made in the case of 34 houses and the owners of the 2 houses did not appear to receive payment The owners of the remaining 14 houses (the present petitioners) did not accept the mode of settling compensation then adopted and declined to receive the amount offered In 1898 the then Deputy Commissioner revalued the houses at Rs 17,077 to which the parties agreed As that amount was however considered exhorbitant, no action was taken thereon In 1899 attempt was again made for the settlement of reasonable compensation and the amount was fixed at Rs 8,006 Since then, no action was taken towards acquiring the houses

3

3 In September 1903 the President submitted a detailed report in the matter and solicited instructions as to whether it was necessary to acquire those 14 houses and whether the same could be done out of the City Improvement Fund

After

fter a careful consideration of the matter and personal inspection of the locality, the 1st Councillor recorded his opinion on the 14th August 1904 as hereunder:-

" The houses in question were inspected by me this morning. The acquisition does not seem to me to be either necessary or desirable. They are close to a burial ground and do not seem to be an eligible addition to the New Thagupet. The compensation involved is very large, and quite out of proportion to the advantages resulting from the addition contemplated. The Mutchalikas may be cancelled and the houses set free. Possession has not been taken. The damage suffered can only be very slight. The Deputy Commissioner may be asked to settle the question of Compensation under section 48(2) in as satisfactory a manner as possible. It is a matter for regret that this question has so long been suffered to be pending. There has however been no interference of any kind with the enjoyment of the houses by their owners, the only action taken being that prescribed by section 4 of the Regulation".

The Dewan having concurred in the Councillor's view, the same was communicated to the Deputy Commissioner in Govt Proceedings No.1844-5/L.F.72-03 dated the 1st September 1904.

4. In reply, the Deputy Commissioner stated as his opinion that the petitioners' prayer for payment of compensation on account of the damage suffered by them owing to the non-repair by them of their houses by reason of the publication of the declaration dated 4th May 1904 does not come within the purview of section 48(2) of the Land Acquisition Regulation, as their possession was never disturbed. Orders were accordingly issued communicating this decision to petitioners and cancelling the original declaration in so far as it related to the said 14 houses.

5. In the case of houses Nos.29 and 44, some consideration was found necessary. There was some discrepancy in the

ML 442-05

description and measurement of those properties between the entry in the original declaration and the statement of compensation leading to the inference that at the time of the preparation of the compensation statement no building existed on the site of house No.29 and that in the case of house No 44 there was not the originally large extent of built portion and that compensation claimable, if any, -- should be for ~~demolishing~~ the houses Hence the insertion of para 2 in ~~the~~ order No 6498-9/M L(507-04)-15 dated 20th December 1905 to the Effect that if Sufficient proof is adduced these two cases may be investigated by the Deputy Commissioner and Compensation awarded in consultation with the President of the City Municipal Commission, the amount being fixed from time to time

Submitted

4

Ml 442-05

Submitted to His Highness,

as called for in No 1268, dated 14th December 1905 The accompanying note explains fully the matter stands

5/06

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

4106
496

Memorial of the residents of old Pioneerchon[illegible] regarding payment of compensation for their houses &c acquired for public purposes.

550 *Order.*

7
534
25-2-06

From the facts stated on the file, it appears to me that the petitioners have received scant justice. They were kept for a period of no less than 13 years in a state of uncertainty which precluded them from dealing with their property as they liked, improving it or selling it, except on unfavourable terms. I do not understand the Dy Commissioner's contention, that compensation for inability to repair does not come within the purview of the regulation. The terms of s 24. seventhly exclude from consideration outlay or improvements effected without the sanction of the Depy Commissioner after the date of the publication of the declaration It is clear then that improvements effected with his consent may be considered, and that

if that consent was applied for and refused on the ground that the property was to be acquired, and if the property was in the end not acquired, the persons concerned have a reasonable claim for compensation for damage. Syed Hussain in his petition of the 12th October 1903, asserts that he applied to the D.C. for leave to repair and was refused it on the ground that the property was to be acquired. It should be ascertained whether it is the case that leave to repair was refused in this or other cases. If the statement is found to be true, it appears to me that the persons concerned have a right to compensation for deterioration of their property.

Below R

~~KRW~~
10/2/06

GRS 12]
General and Revenue Secretariat.

Mil File No 462 of 1905

Serial No	
10	Draft docket to the Dy. Comrs is submitted Mil Sec 19/2 Cont 20/2/06 Passed 20/2/1906
12	docket No 875 dated the 26th Feb. 1906 to the President with Calls for the additional information required in the matter Letter No 814 dated the 2nd May 1906 from the Dy Commissioner Bangalore with.
13.	Submits a copy of the Tahsildar's report stating that parties concerned have been asked to appear before him on the 3rd inst and that the report will be submitted as soon as the necessary inquiry is over.
14	Submitted Respectfully The Dy. Commissioners further report may be awaited Mil Sec 15/5
15	Yes but send weekly reminders till the report is received. BB 17/5/06

Note—Contn sheet

GPB—50,000—23-10-05

GRS 12j
General and Revenue
Secretariat

Ml File No 442 of 1905

Serial No 2

U Letter No 59 dated the 13th May 1906 from the Dy:

Submits a Copy of the Assistant Commissioner's reports in the matter, and states that in the interests of better sanitation the property may be acquired outright and the inmates removed elsewhere

2 The [redacted] On Consur- says that if his proposal of acquiring the property Commends itself to Govt he will take action in the matter It is submitted that, if this should be approved, the Cost of acquisition may be debited to the old "City Improvement Fund" as was suggested by the President so far back as 1903 There is still a sum of ~~Rs~~ about Rs 28,000/- at the Credit of that Fund

Submitted for orders

Mel 22/1/06 It is now clear that compensation is due for houses Nos 29 & 44 referred to above, which has been fixed by the Asst Commissioner at Rs 154-8-0 & 284-5-0 respectively,

Note—Contn sheet

(PB—50 000 —03 10 05

ML File No 642 of 1905

Serial No

together with ~~Subsequent~~ interest at 6 per cent per annum from 1st October 1899 & that this amount should be paid to the parties concerned.

As regards the other 11 houses alluded to in the Assistant Commrs Statement, it has to be decided whether the houses should be acquired as proposed by the Dy Commissioner or Compensation paid at Rs 3 or 5 per ~~Ankanam~~ for withholding permission to repair the houses in time. In the former case, a fresh valuation Statement will have to be ~~prepared~~ called for from the Dy Commissioner

(B)

Submitted to the Dewan thro' the 1st Councillor for orders

61/47

by

25/1/06

(A) Draft order sanctioning the payment of these amounts & ~~sanctioning~~ directing the Claim as regards ME 29744

& he may speak to me on this subject

(B) As regards this para I invite attention to the G.O. of 1904 and say that unless the 11 houses are available at a reasonable

Note—Contn sheet

S 12]
General and Revenue Secretariat.

Rev File No 1062 of 190 S

Serial No

the advantage likely to accrue from the acquisition of the Branches the purchase and would authorize the Govt to sanction the sum of Rs 942-3 Compensation proposed by the Govt for the machinery recommended from dismantling the premises

Govt

25 27/10/06 Mysore

20. Dewans order.

The Dy. Com. may be asked to report without as soon as possible what the cost of complete acquisition will be

B O
C S B
3/11/06

21 Engineer 5/11/06

22 Draft submitted
X 18-11
30-1-"-06
Secy
6/11

Dewan
B
6/11/06

4 23 Docket No 3724 dated the 8th November copy to the Dy. Comm.

MGCPB—50,000—24-7-05

Serial No

24 Enquires what the Cost of Complete acquisition of unacquired houses will be

5 25 Letter No 287 dated the 9th May 1905 from the Munl. President states that in the interests of better sanitation and prevention of the spread of infectious diseases in the new Thoroughfare it is now re-considered felt absolutely necessary to demolish the dilapidated and ill-ventilated buildings that still remain in the old Pioneercherry, that the probable estimate of acquiring those houses and the vacant land adjacents to them comes to about Rs 8000 and that owners of eight out of the fourteen houses have executed Muntahakkas to part with their property for sums noted in the list, and requesting sanction to the requires amount being placed at his disposal out of the Old "City Improvement Fund" so as to enable him to carry out the engagements arrived at once

26 This is practically a reply to serial No 4 supra There is

MGCPB—50,000—17 2-0

R. S. 12]
General and Revenue Secretariat.

File No 1642 of 1905

Serial No

a sum of about Rs 28000/- at the credit of the City Improvement Fund.

In view of the Dewan's order of the 3rd November last (para 20 supra) may the President's request be complied and a formal declaration statement called for? Draft submitted to Secty.

20/5/07

Mg re abbrevs

21/5/07

To Dewan Bhr (for)

2960
24-5-07

Of the 8000 asked for, Rs 976 are for "Contingencies" and Rs 2948-8 (also basic house no 3 which has not yet been "speeds" & which perhaps on account of its magnitude had better be left alone. Excluding these two items (aggregating Rs 3924-8) the remainder viz Rs 4075-8, or say the round figure of Rs 5000 may be sanctioned.

2 As a declaration under the Act be applied it seems important to classify houses as "speeds". The object of this is to secure good title under the Act. It is inadvisable to classify the other houses lest we should get into entanglements before.

5029
24/5/07

Mg 4-6-07

The acquisition of the entire properties may be ordered

Mg 4/6 [illegible]

Mg 7/6/07

NJPR—Contn sheet.

GIPB—30,000—17-3-07

R S 12]
eneral and Revenue
Secretariat

95-2

File No 442 of 1905

Serial
No

Please issue orders accdg

Draft 17/6 17/6/07

Mas
17/6

Resubmitted In view of the Diwan's order directing the acquisition of the entire Pioneer cherry, may the draft order on the file (shown by the Accountt Secty on the 20th ult) be issued?

Issue
MD
17/6/07
17/6.

6 G O No 4984-6 dated the 16th June 1907

Advances of the President's profits to acquire all the houses in the 2 to Pioneer chawl and authorises the Comptroller to place a sum of Rs 8000/- at the disposal of the Board out of the Modak Trust Fund

Note—Contn sheet

GPB—50 000—17 3 07

1905-06

From

Secy to the Govt of His Highness the Maharaja of Mysore, Genl and Rev Depts

To The Dy Commissioner, Bangalore Distt

Dated

Despatched } 26 Feb 1906

Received

General No 8775

mel \ (442-05)-1

INTSL

Correspondence ending with Govt Procs: No 41 & 42 98-9 dated the 20th December 1905 in regard to the Claim of the owners of the unacquired houses in the Old Pioneer Cherry of the Bangalore City for Compensation on account of the deterioration of their property

Has the [illegible]

GRS 204

It observe that on a
perusal of the records
~~on~~ relating to the Case
it appears that the
petitioners were kept
for a period of no
less than 13 years in
a state of uncertainty
which precluded them
from dealing with their
property as they liked,
improving it or selling
it, except on unfavour-
able terms The Dy:
Commissioner's Contention
that Compensation for
inability to refund does
not come within the
purview of the Land acquisition Regulation
is not understood The
terms of section 24 clause 7 ~~exclude~~ Q
exclude consideration

GRS 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet Draft form)

~~outlay~~ or improvements ~~is~~ effected without the sanction of the Dy. Commissioner after the date of the publication of the declaration It is clear then that improvements effected with his consent may be considered, and that if that consent was applied for and refused on the ground that the property was to be acquired and if the property was in the end not acquired, the ~~Court~~ would persons concerned, have a reasonable claim for compensation for damage Lyle Hussain in his petition of the 12th October 1903 asserts that he applied to the Deputy Commissioner for leave to repair and was refused it on the ground that the property was to be acquired Respondents, therefore that the Deputy Commissioner be so good as to report whether ~~if in the case he had leave~~ to repair was given.

Communication to the Secretary of the City Municipal Bangalore

in this or other cases & to submit no 6501
the entire records connected with the applications
m (507-

By order

20/2/1906

Secy

Dy 19/2/06

JD
-20/2/06-

8776
m(442-05)-1 8-26-2-06

Copy to the President of the Bangalore
City Municipal Commissioner
~~Bangalore~~, with a request,
that he will find out from
the records of his office
the several applications
received by him for the
repair or restoration of
the houses ~~belonging to~~
~~that~~ referred to in Govt
Note No 6501 × & to the ×cc
m(507-04) & the orders passed thereon
December 1905 and forward
the same to this Dy Commr's office
as early as practicable

By order

20/2/1906

Secy

JD
-20/2/06

Dy 24/2

1905-6

From

The Dy Commissioner
Bangalore Dist.

To

The Secy to the Govt of
Mysore
Gen & Rev Depts

Dated 4
Despatched May 1906
Received
General No
No E/4
Enclosure No one

His Report of 1108/1 &
26.4.06

State in regard to
claims & cases of
unacquired houses &
old pucca sheds for
compensation.

lis

D 8569

S. 814
Ex

Bangalore District
Dy. Commissioner's Office.
4 May 1906

From

D Devaraj Urs Esqre
Dy Commissioner
Bangalore Dist

To B. K. Venkatacharada Iyengar Esq
Secretary to the Govt. of Mysore
Gen. & Rev. Depts

Sir,

In reply to your reminder
Docket No. 11087 dated 26th ultimo,
calling for certain information
in regard to the claim of owners of
unacquired houses in 'D' Pioneer
cherry for Compensation, I have the
honor to enclose for information
Copy of Docket No. 77 dated 2nd May 1906,
from the Assistant Commissioner in
charge of the City Magistrate's Court
with whom the matter is pending

I have the honor to be,
Sir,
Your most obedient, Servant,
[illegible]
for Dy. Commissioner

Docket N 11 dated 2nd may 1906
from the city magistrate Bangalore to the dy commissioner
Bangalore District

His docket N. 2342 dated 1st
Instant regarding the claims of
owners of certain unacquired
houses in old Pioneer chawry for
compensation

Has the honor to state that the
statements of some persons have
to be recorded as to the demolition
of certain houses and these have
been directed to appear tomorrow

2 After they are examined
a report will be sent up as
soon as possible The delay has
been due to some difficulty

in finding the owners of the
demolished houses

Copy

h Timberlake
for Dy commissioner
hm

CL 4

From Mr Ll 1896 [illegible] H Asst Sec 10/1

The Dy Commissioner Bangalore dtd

[illegible] D566

To

The Secy to the Govt of Mysore

Gen & Rev Depts

Dated 13

Despatched 17 July 1906

Received

General No

No 59

Enclosure No 3 & 2 Fr 62

Grant No 6498-9 &

M (607 of) -15

20 2.05

Reports on the claims of the owners of certain unacquired lands in the old Bangalore Cantonment.

Mc 4442-05

87 2.

S 59

E 3 v 26 ar

D. 586

Bangalore Dist

Dy Commissioner's Office

13 July 1906

From

H. H. Parker Esquire

Dy Commissioner

Bangalore Dist

To

K. P Chandrasekhara Iyer Esq

B A. B.L

Secretary to the Govt of Mysore

Gen. & Rev. Depts

Sir,

With reference to Proceedings of Government No- 6498-9 dated Mc(60)-05-5 V

20th December 1905 and your docket No- 5775 of 26 January last, Mc(4420f5)-1 N

Requesting to report on the claim of the owners of certain unacquired Houses in the old Pioneer Chawdy, Bangalore city, I have the honor to forward herewith Copy of letter No- 92 of 25th May 1906 from the

Assistant Commissioner in charge of the City Magistrate Court Bangalore a report in the matter after an elaborate and exhaustive enquiry He has forwarded a compensation Statement (herein enclosed) from which it will be seen that compensation has been calculated at Rs 3/ per ankanam

2 / But in the interest of better Sanitation, I recommend the acquisition of the property outright and the removal of those persons elsewhere Should my proposal be agreeable to Government, necessary steps will be taken in the matter and the City Municipality Bangalore consulted in the matter of making provision for the payment of compensation

Two files of records together with a statement showing the disposition of petitions received from the Assistant Commissioner in charge of the City Magistrates Court are herein enclosed for reference

I have the honor to be

Your most obedt servant,

Hill Spalding

Dy Commissioner

mm

Statement Showing the compensation &c.

Serial No.	Name of person to whom compensation to be paid	No. and situation of the house	No. of Annas
1	Veerabhadrappa	40	7 4/16
2	Bhajiaee - purchaser	37	14 6/16
3	Shaik Hussain,	18	11 7/16
4	Malik Sab	192	11 2/16
5	Jamadar Francis,	32	8 1/2
6	Syd Hussain - purchaser Ramsab	20	19 6/16
7	Kasimsab	42	16 3/4
8	Shaik Mokadim	34	21 11/16
9	Gouse Sab	36	19 1/2
10	Mahomed Hyatsab	22	15 15/16
11	Mr Francis and Venkapa, purchaser Ameer Sab	45	167 1/2
12	Hayath Khan	29	Vacant land 108 Sq yards
13	Ramjee Rao - purchaser Venkata Sawmy	44	Cost of building 7½ annas Area 792 Sq. yards

Bangalore
13 May 1905

to the owners however in the old Pioneer Colony Bangalore city

Rate per annum @ 3 rs	Amount		Rate per annum @ 5 rs	Amount		Total		
	23	10	5	39	6			
	43	2		71	14			
	34	5		57	3			
	33	6		53	10			
	25	8		42	5			
	58	2		96	14			
	50	4		83	12			
	65	1		108	7			
	55	8		97	5			
	47	13		79	11			
	502	8		837	8			
	942	3		1570	5	942	3	
38 8	154	8				154	8	
16 -								
63 -								
92 -	845	-				845	-	
10 -								
	1941	11	Grand Total			1941	11	

-* The Asst. Commissioner has recommended allotment on the same proposed by him to be given to the owners of Houses No 29 + 66 but the amount does not include it

162-8
845-
999-8

Asst Commissioner

Dy commissioner

Letter No. 92 dated 28th May 1906
8th June 1906
from the City Magistrate Bangalore to the
Deputy Commissioner Bangalore District

Adverting to your dockets nos 2046
dated 4th January 1906 and 2612 dated
5th March 1906, calling for reports regarding
the acquisition of certain houses in old
Pamnerchery, I have the honor to state as
follows —

In the year 1891, about 50 houses
forming old Pamnerchery were notified
for acquisition by the Municipal Extension
of Bangalore, under notification No. 365
226 dated 17th January 1891

It would appear from the records that
about 36 houses were removed and
taken possession of, in 1893 on payment of Compensation, and the old house
sites on which the houses of those so dispossessed

The acquisition of the other 14 houses
was not completed then and the matter
was only taken up in 1897, when the
houses were valued and the old elements
of the owners recorded In 1898 98
and 1899 more than one valuation,
appears

ffears to have been made and Inquiries has were taken from the parties The houses were not however finally acquired and after some correspondence the declaration of acquisition of these 14 houses has been cancelled by notification Nos 6501-Insul (507-04)-14 dated 20th December 1905 14

Of these 14 houses 2 houses (Nos 29 and 46) are alleged to have been taken possession of by Government and dismantled though the owners were not paid the prices settled therefor

I am now called upon to report whether these 2 houses were pulled down by Government Agency and whether the owners of the other 12 houses applied for and were refused permission to repair and improve their houses

I forward herewith the various petitions addressed by some or other of these persons from time to time regarding the settlement of the question of acquisition and the endorsements or other orders passed on such petitions Some of the petitions I have obtained from the parties themselves and the others have been collected from the records in the Deputy Commissioners and Municipal Presidents offices

For convenience of reference, I enclose an English abstract of these several petitions and orders thereon

It will be seen that on 13th November 1899, Thagar Mohamed Ameer, owner of house no 45 presented a petition asking for permission to build mandies in front of his house This was refused by endorsement no 175 dated 22nd November 1899

None of the other house owners appears to have presented any petitions for permission to improve or repair their houses and probably they refrained from doing so, with belief that their application would also be refused The next following order of time is dated the 5th June 1901 and was presented by T. Mohamed Ameer owner of house no 45 to the Defuli Commissioner In this he refers to his previous application & the refusal of permission to build mandies and requests to be allowed to carry out the work of the house which must be viewed by Government This

licence asked for was again refused
on Endorsement No 570 dated 3rd June 1901

On the 3rd and 5th June 1901, Mohamed
Hayath and 2 others (owners of houses
Nos 22, 36 and 37) presented petitions,
in which they represented that though
muchalikas had been taken from
them their houses had not been taken
& that the houses had become ruinous
in the rains, that permission had not
been given to rebuild them and that
the petitioners were prevented from
disposing of them to advantage They
prayed that the houses might be taken
up by Government or authority given
to them to rebuild them

In the endorsement on the latter
petition the petitioners were informed
that they were not entitled to the sites of
their houses, but only to the superstructure,
that the question had been raised in
another case that was pending in the
Civil Courts, and that acquisition of
the houses could not be settled till the
disposal of the civil suits referred to

her

hiatus

year and a half, and the next petition that we come across is dated March 1903, sometime after the disposal of the civil suit spoken of

On the 19th March 1903 Mohomed Ghouse and others, on 28th April Mohomed Ghouse (of house No 36) and on 26th May Y Mohomed Ameer (of house No 46) petitioned the Deputy Commissioner for early disposal of their cases

On 20th July 1903 Syed Hasan and Ghouse Sab (owners of house Nos 16 and 36) petitioned the Municipal President recounting the general stir taken in the matter of the acquisition of their houses, representing that in consequence they had suffered much inconvenience and loss, and praying early payment of compensation or cancellation of the acquisition

On 12th October 1903 the same persons again represented their grievances and prayed that if the Government refused to acquire the houses the Municipality might

repair their houses and pay reasonable compensation for loss incurred during 12 years

On 6th February 1904, Mahomed Ameer, of house no. 45 presented a petition praying for early disposal of his case and on the 14th and 28th May, he renewed his prayer adding that a portion of the house had fallen in during the rains of the preceding few days On this he was informed by endorsement no. 963 dated 28th May 1904 that the question of compensation had been referred to Government and that orders were awaited It is not necessary to refer to later petitions

It will be seen that Mahomed Ameer (of house no. 45) applied in November 1899 for permission to repair and improve his house, and that in June 1901, he and three others renewed the prayer, which was not granted. The other house owners do not seem to have presented any such petitions and apparently accepted the orders on the petitions referred to, as applicable to them also

Of the twelve houses to which the above remarks apply, house No. 16 belonging to Mr. Mutha appears to have been recently sold to Mr. K Ramaswamiengar and no compensation need therefore be had for it. I have inspected the other 11 houses and found that they are all more or less in need of ordinary repairs to keep them in good habitable condition, some of them especially No. 46 are in a very ruinous condition and it would perhaps have been well if the whole locality had been acquired as first intended and given out for new houses. As it is however the houses have suffered from want of periodical repairs, due to uncertainty as to their acquisition by Government. The house owners deserve sympathetic consideration, and I would recommend the grant of compensation at the rate of a few Rupees say 3 to 5 Rupees per annum to enable the house owners to repair their houses.

As regards the allegation that the petitioners had suffered loss owing

to their having been prevented from
converting their houses into hovels for the
claim does not seem to be based on good
grounds The houses in question were
let at a distance from the main road
and unless a good new road were opened
by Government any improvements erected would
have had no road frontage and would
have been of little value for trade purposes
Even the road near which these houses
are situated is somewhat removed from
heavy part of the river Tarageh and
even now does not command the
claims for compensation for improvement
such as the above, which were not
permitted to be done seems therefore
to be based on very problematical
grounds

We next come to the question of house
Nos 29 and 44 which are alleged to have
been demolished by Government Agency
In the available papers I am unable
to find any record of the act and the
allegation is only to be proved by the
oral statements of the claimants and
other residents of locality

I forward the statements of Hyath Khan, owner of house no 29 and four other persons produced by him to the effect that Assistant Commissioner the late Mr Selvaraj, demolished the house some years ago, some of them state that house no 44 was demolished a short time before or after house no 29 The owner of house no 44 did not appear before me in spite of notices issued and I have only to rely on a petition presented by him on 11th February 1903 in which he says that on 22nd September 1899 a sale deed was taken from him for 855 Rupees and that the next day his house was demolished It was thought that the houses might have been demolished under the Epidemic diseases act, as having been unfit for human habitation, but it has been reported by the Municipal President to Government that these houses are not shewn in the list of houses so demolished, preserved in the records of his office In these circumstances no sufficient

reasons to disbelieve the statements of the parties concerned that the houses were demolished under the orders of the Pleader Commissioner as for the compensation payable, I think that as the houses were taken possession of and demolished the owners are entitled to the compensation settled at the time though my opinion is that the houses were over valued at the time In the record I found two valuation statements marked A and B and respectively styled "statement of houses with old Pioneer Lane Bangalore belg as valued in 1898" and "statement of houses to be accepted in the old Pioneer's Lane Bangalore belg, and valued according to the present market value" The statement B is dated 26th October 1899 I shall now take the values of houses nos 29 and 44 as specified in the two statements

	Statement A			B			
1. No 29	vacant land	32½ yds 143 3/4	143-12	vacant land	32½ yds 138½	138	
	Miscellaneous	18 - 0		Miscellaneous		16	
		161-12				154	

44 cost of building
10 ankanams - 2x0-0
measurement
of site 762½ sq yds
1143-12
Miscellaneous 15-1-0.
1378-12/2-

amount allowed
by Deputy Commissioner at
15 per cent — 206-4-0
1585-0-0

cost of building 43-0-
73/4 ankanams

site 7923 sq yds 792-0
Miscellaneous - 10-0
824-0-0

It will be seen that the figure mentioned by Venkatasamy (of h are 44) in his petition of February 1903 as the price for which he executed a sale deed of the house on September 1899 very closely approximates to the value ascribed in the statement marked B. The values ascribed in the statement B may therefore be accepted as the compensation to be based for these houses and the amounts may be paid to the parties with interest at 6 per cent per annum from 1st October 1899 The sites of a required for Government purpos

may be sold for house building.

In this connection I beg to state with due deference to the officers who valued these areas in 1897 1898 and 1899 that it seems to me that these, especially the house sites were very much over valued This was probably due to an incorrect appreciation of the principles of valuation to be adopted for the purposes of the Land Acquisition Regulation The Courts have held (Vide Ganga Das Vs Deputy Commissioner, Bangalore Decided 16 June Chief Court Law Reports IX 1904 page) that the value to be adopted is the market value of the property at the time of the publication of the declaration under section 6 of the Land Acquisition Regulation In the present case, this declaration was published in January 1891 It is a matter of common knowledge that the Cholera epidemic had only just then been created, that it took a number of years and needed the empties given by the ravages of plague for the extension to become fully built upon and populated

K

that even then the centre of business continued to be in the lorry, and that it was only within the last three or six years that the new Paraguet has become as busy as it is. It is only these changes and improvements effected at great cost by government that have increased the situation value of localities such as old Pioneerberry. Before these changes, house values in old Pioneerberry must have been very low, and that this was so, is also borne out by the fact that 34 houses were taken up before 1893 on payment of 4104 Rupees, whereas in 1897, 14 other houses were valued at over 17000 Rupees. The valuations made in 1897, 1898 and 1899 profess to be made according to the market values at the respective periods of time and not according to market values in 1891, and were therefore based on a wrong principle. The error in the mode of valuation lost to view ascertainment of the property, and on the

ground of great cost to the subsequent
recession from the idea of carrying it-

It has been the cause of regrettable
delay in the disposal of the question
and great inconvenience to the
persons concerned and some loss
to Government

The Vernacular and other records
are appended.

/Signed/ C. Balasundaram Iyer
City Magistrate

"Copy"

for Deputy Commissioner,
Bangalore District

Sen 114 ab

1906-07

From

Secy to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev Depts

To The Dy: Commissioner
Bangalore abd

Dated 8-11-07

Despatched

Received

General No. 3724

Dept No (442 07)-4

Enclosure No 1 Dis

With letter No 1 5 9 dated the 13th July regd on the matter of payment of Compensation claimed by the owners of the unacquired houses in the old Pettah of the Bangalore City.

Referring to the above has the honour to request the Dy Commissioner to be so good

good as the report, as soon as possible what the Cost of complete acquisition of the several unacquired houses will be

2) The files of Vernacular papers received with the above letter are herewith returned for reference & further communication.

"By order"

67/11/06

For Secy

5-4/6/11/06

7/11

Urgent A 9522

B M 109]

OFFICE OF THE MUNICIPAL COMMISSION,

City, Bangalore, 9th/16th May 1907

No 287
Encl one

From

THE PRESIDENT,

Municipal ~~Commission~~ Council,
Bangalore City

Rl 442-05
875

To

The Secretary to the Government of H H the Maharaja of Mysore,
General and Revenue Departments,
Bangalore

Sir,

Adverting to Government Notification No 6501/Rl 507-04 dated the 20th December 1905 cancelling the Notification No. 365/L 226 dated the 17th January 1891 published on page 33 of the 'Mysore Gazette' dated the 24th January 1891 IN RF the acquisition of houses and vacant lands in the Old Pioneercherry adjoining the New Tharagupete, Bangalore City, I have the honor to state that in the interests of better sanitation and prevention of the spread of infectious diseases in the New Tharagupete where people from various places meet for purposes of trade, it is on re-consideration, felt absolutely necessary to demolish the dilapidated and ill-ventilated buildings that still remain in the old Pioneercherry which is invariably visited with plague every year and where the death-rate is out of proportion to the total number of people residing there, and to keep the whole area free of buildings for some yrs to come This would remove the danger of infection to the New Tharagupete and the surrounding localities every year The probable estimate of acquiring these houses and the vacant lands adjacent to them come to about Rs 8,000/-, including contingencies The owr

of eight houses out of the fourteen have executed muchalikas to part with their property for sums noted in the enclosed statement.

2. The cost of compensation may be met from the funds at the credit of the old 'City Improvement Fund The balance under this head at the end of May 1904 was reported by the Comptroller in his No. 507/T.A.D. Gr. I,79-80 dated the 23rd July 1904 to the address of the Secretary to the Government of Mysore, General and Revenue Departments, to be Rs. 31,056-3-4. Taking the subsequent receipts and expenditure into account, there may be about Rs. 26,000/- available at present. I am, however, in correspondence with the Treasury Officer, Bangalore, and the Comptroller as regards the actual balance at the end of April 1907 and the same will be reported as soon as the information is received.

3. Under the above circumstances, I request that you will be so good as to obtain the early sanction of Government for the amount being placed at my disposal so as to enable me to carry out the improvements suggested above at once.

I have the honor to be

Sir,

Your most obedient servant,

President, Municipal Council,
Bangalore City.

B.V.

Statement showing the amount of Compensation to be awarded in the case of Pioneer Cherry adjoining the Railway

Serial number	Door number	Name of owner	Compensation for building Tiled roof Nos	Tiled roof Amount	Mud roof Nos	Mud roof Amount	For vacant land Sq yards	For vacant land Amount
1	20	Syed Hussain, purchaser of Omar Sahib	8 66/81	71 - -	2 35/81	20 - -	143	143 - -
2	19	Malik Sahib	9 1/8	94 - -	1 71/81	16 - -	85 7/9	86 - -
3	18	Sheik Hussain	3 19/27	44 - -	4 76/81	40 - -	87 1/9	87 - -
4	22	Mohomed Hayuth (Abdul Subahan)	7 20/27	73 - -	4 8/9	40 - -	82 2/3	83 - -
5	42	Khasim Sahib	- - -		7 49/81	60 - -	96 7/9	97 - -
6	37	Khajeebhai (Dada Sahib)	3 7/27	29 - -	13 1/3	106 - -	183 1/3	183 - -
7	40	Venkabhadrappa	- - - -		7 62/81	70 - -	172 4/9	172 - -
8	36	Gouse Sahib	16 16/81	137 - -	4 76/81	50 - -	154	154 - -
9	29	Hayath Khan	- - - -		- - -	-	138	138 - -
10	34	Shaik Mohidin	6 64/81	64 - -	14 78/81	105 - -	138 7/9	139 - -
11	44	Venkatasamy	- - -		- - -	-	64 7/9	64 - -
12	33	Frances (Jemadar)	5 5/9	50 - -	- - -	-	137 7/9	138 - -
13	45	Mr Frances & Santyago (Purchaser Ameer Sahib)		64 - -	6 59	- -	894	894 - -
14	35	Mastan Bee	11 19/81	89 14 -	- - -	-	113	113 - -
		Contingency					Lump Sum	
		Total Rs		1300 14 -		1166 - -		3075 - -
		Grand Total						

City Municipal Office,
Bangalore, 16th March 1907

to for the acquisition of the houses and lands
in the Pett, Bangalore City

Miscellaneous	Total	Amount of loss Sustained	Grand Total	Remarks
13 - -	247 - -	58 2 -	305 2 -	vv
9 - -	205 - -	33 6 -	238 6 -	Party agrees vv
23 - -	194 - -	34 6 -	228 6 -	- do - vv
14 - -	210 - -	47 13 -	257 13 -	- do - vv
10 - -	167 - -	50 4 -	217 4 -	- do - vv
14 - -	332 - -	43 2 -	375 2 -	v
37 - -	279 - -	23 10 -	302 10 -	v
20 - -	361 - -	58 8 -	419 8 -	Party agrees vv
- - -	138 - -	16 - -	154 - -	- do - x
30 - -	338 - -	65 - -	403 - -	- do - vv
53 - -	701 - -	- - -	701 - -	x
18 - -	206 - -	25 8 -	231 8 -	x
244 - -	2446 - -	502 8 -	2948 8 -	X v
6 - -	208 14 -	33 - -	241 14 -	Party agrees vv
			976 - -	X
491 - -	6032 14 -	991 2 -	8000 - -	
			8000 - -	

M. G. Krishnaswamy Rao
Vice President
City Municipal Council
Bangalore

G.n.S 26]

File No 442-05
Serial No 6

Diary No of letter replied to 9522

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Mb.)

Bgs, the 18th May 1907

Date of issue 19.6.07

Signed by

READ — Correspondence ending with letter no 284 dated the 9th May 1907 from the President of the Bangalore City Municipal Council stating that in the interest ~~of the Public Health~~ of better sanitation and prevention of the spread of infectious diseases in the New Thoroughfare where people from various places meet for purposes of trade, it is on re-consideration felt

over

SUBJECT

MGP PB—20,000—24-2-9

absolutely necessary to
demolish the dilapidated
and ill-ventilated buildings
that still remain in the
old Pioneer Cherry and to keep
the whole area free of build-
ings for some years to come,
that the probable estimate
of acquiring those houses
and the vacant lands ad-
jacent to them comes to about
Rs 80000/- including Contingencies,
and that the owners of eight
houses out of the fourteen
have executed Muthahilikas
to part with their property
for sums noted in the state-
ment submitted by him and
requesting in the circum-
stances sanction to a
sum of Rs 80000/- being
placed at his disposal
out of the Old City Im-
provement Fund

442-05 3

GRS 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form)

Order thereon 11984-6

ml 442 05

Government accede of the President's proposal and authorize the Comptroller to place at his disposal for the purpose a sum of Rs 8000/- (Eight thousand) out of the old Bangalore City Improvement Fund a reduction to Govt the balance available out of the said Fund on the 1st June 1907.

2) The President is requested to submit through the Dy Comr a declaration of in regard to the properties referred to

Dy 10/5/07 for Secy 19/5/07

Memo 17/4/07

To, The Presidt of the Bangalore City Mul Council a Comptroller a Dy Comrs P. & W.C.

Yes K 17/5

MGC 1 B—30 000—5-10-07